

COPY

OFFICE OF ATTORNEY-GENERAL

1954

Feb. 2

Mr. James J. Barry, Commissioner  
Department of Public Welfare  
State House Annex

Dear Mr. Barry:

In reply to your request of January 28, 1954 asking for my opinion whether New Hampshire call firemen can be considered bona fide members of the New Hampshire Firemen's Retirement System as defined in the Social Security Act and in chapter 234, section 2 II (3) of the Laws of 1951, I advise that in my opinion they are not.

It is optional whether a call fireman joins the system, and if he does it is only under the special provision by which he can receive disability protection. He does not receive any pension or annuity benefits as compensation for services rendered over a period of time as is the normal purpose of any retirement system. His coverage is limited solely to disability compensation and I do not believe that the fact that this protection is provided under the Firemen's Retirement Act would make a call fireman, who desires this type of protection, a member of a retirement system so as to exclude him from social security coverage.

Very truly yours,

Richard C. Duncan  
Assistant Attorney General

RCD:RM

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